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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)	No. 4-08-70384 WDB
)	
12 Plaintiff,)	AMENDED STIPULATION AND
)	ORDER TO CONTINUE PRELIMINARY
13 vs.)	HEARING FROM SEPTEMBER 19, 2008
)	TO OCTOBER 1, 2008
14 LEOBREDO GARCIA-RODRIGUEZ,)	
MARIA CHRISTINA RAMIREZ-GARCIA,)	
15 JUAN SANDOVAL-MACIAS,)	
)	
16 Defendants.)	
)	

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18 It is hereby stipulated, by and between the parties, that the preliminary hearing or
19 arraignment set for September 19, 2008, be vacated and that the matter be set for arraignment or
20 preliminary hearing on October 1, 2008, at 9:30 a.m. before United States Magistrate Judge
21 Larson in San Francisco.

22 Such continuance is required for effective preparation of the case. The government has
23 provided discovery to the defense, including several hours of audio tapes. However, the audio
24 tapes are in Spanish and must be translated. While the process is on-going, it is not yet
25 completed. Furthermore, counsel for the government is unavailable due to a death in the family.
26 The continuance is permitted under 18 U.S.C. § 3161(h)(8) (A) & (B)(iv) to allow for the

reasonable time necessary for effective preparation of the case and for continuity of counsel.

The parties therefore respectfully request that the preliminary hearing set for September 19, 2008 be vacated and that the matter be set for arraignment or preliminary hearing on October 1, 2008, at 9:30 a.m. before United States Magistrate Judge Larson.

DATED: September 18, 2008

/S/
KIMBERLY BRIGGS
Assistant United States Attorney

DATED: September 18, 2008

/S/
COLLEEN MARTIN
Counsel for Juan Carlos Sandoval-Macias

DATED: September 18, 2008

/S/
RANDY MONTESANO
Counsel for Leobredo Garcia-Rodriguez

DATED: September 18, 2008

/S/
ISMAIL RAMSEY
Counsel for Maria Christina Ramirez-Garcia

I hereby attest that I have on file all holographed signatures for any signatures indicated by a conformed signature (/s/) within this e-filed document.

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the arraignment or preliminary hearing date in this case, currently scheduled for September 19, 2008, at 10:00 a.m. may be continued to October 1, 2008, at 9:30 a.m. in San Francisco before United States Magistrate Judge Larson for arraignment or preliminary hearing.

IT IS FURTHER ORDERED that the time from September 19, 2008 to October 1, 2008, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel, including translation of Spanish language audiotapes, and for continuity of government counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public

1 and the defendants in a speedy and public trial and the failure to grant the requested continuance
2 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking
3 into account due diligence.

4 SO ORDERED.

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6 DATE: September 18, 2008

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WAYNE D. BRAZIL
United States Magistrate Judge